

relied upon.]

In order to determine the patentability of either of the Groups of claims, the Examiner will have to search all recited classes and subclasses if he is to conduct a proper search. For example, to determine the patentability of the subject matter of Group II, the Examiner will have to search Class 502, Subclass 100 relating to the catalyst of Group I. Absent such a search, the Examiner may not be able to determine whether the subject matter of the claims of Group II is patentable.

In order to conduct a search, for example, to determine patentability of the process of Group II, the Examiner would not only have to search Class 521, subclass 50, but he would also have to search Class 502 (in which catalysts, solid sorbents, or supports therefor, and product or process of making are found), and class 100 (in which catalysts and precursors therefor are found). Thus, Groups I and II are interrelated, and patentability cannot be determined for Group II without searching the related Groups.

So it becomes apparent that to determine the patentability of any one of the Groups of claims, each of the enumerated classes and subclasses must be searched.

Conclusion:

Applicants respectfully contend that the Examiner's citation of MPEP § 806.04(b) in combination with § 806.04(h) is not applicable under the present circumstances, and respectfully requests reconsideration and withdrawal of the restriction/election requirement.

Applicants also point out that because of the interrelated nature of the claimed subject

matter of the Groups, virtually all Classes and Subclasses cited in the paper dated 8/27/04 must be searched in order to determine patentability of any one Group. Accordingly, there is no undue burden on the Examiner to examine all 20 pending claims in a single invention.

Favorable reconsideration and withdrawal of the Restriction Requirement is respectfully requested. In the event that the Examiner will not withdraw the Restriction Requirement, Applicant respectfully requests that the Examiner make the requirement final so that the Applicant may file a Petition with the Commissioner for Review.

Since the Rules require that Applicant elect a Group of claims for prosecution, Applicant elects Group I comprising claims 1-15, with traverse.

respectfully submitted,

A handwritten signature in black ink, appearing to read "Christopher J. Whewell". The signature is fluid and cursive, with a horizontal line underneath it.

Christopher J. Whewell, Reg. No. 37,469
Austin, Texas
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